UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,868	11/28/2001	Cornelia M. Gorman	11669.103USW3	6177

7590   07/07/2005

Attention: Katherine M. Kowalchyk
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER
GUCKER, STEPHEN

ART UNIT	PAPER NUMBER
1649	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 April 2005_.

2a)☐ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _32-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) _32-37_ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Election/Restrictions

1.   The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1649.

2.   The Restriction to one of the following inventions is required under 35 U.S.C. 121:

      I.   Claims 32-37 drawn to isolated recombinant animal host cells and methods of producing a recombinant polypeptide comprising the amino acid sequence of SEQ ID NO:59, classified in class 435 and subclasses 69.1 and 325 for example.

      II.   Claims 32-37 drawn to isolated recombinant animal host cells and methods of producing a recombinant polypeptide comprising the amino acid sequence of SEQ ID NO:60, classified in class 435 and subclasses 69.1 and 325 for example.

      III.   Claims 32-37 drawn to isolated recombinant animal host cells and methods of producing a recombinant polypeptide comprising the amino acid sequence of SEQ ID NO:61, classified in class 435 and subclasses 69.1 and 325 for example.

3.   The inventions are distinct, each from the other because of the following reasons: Although there are no provisions under the section for "Related Inventions" in M.P.E.P. 806.05 for "inventive groups that are directed to different products; restriction is

deemed to be proper because these products appear to constitute patentably distinct

inventions for the following reasons:

Groups I-III are directed to products and methods that are distinct both physically

and structurally, and are therefore patentably distinct, and are not required one for the

other. The current USPTO policy is to search a single nucleotide/amino acid sequence

per Application. The claims must be amended to reflect the invention, i.e. SEQ ID NO

that is elected.

4.   Because these inventions are distinct for the reasons given above, and because

the search and examination of these groups are different because they involve separate

searches in both the patent and non-patent literature, restriction for examination

purposes as indicated is proper because the search and examination of these groups is ·

different and would pose an undue burden to the examiner.

5.   Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1. 1741).

6.   Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technical Center 1600 general number which is

(571) 272-1600.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen Gucker whose telephone number is (571) 272-

0883. The examiner can normally be reached on Monday to Friday from 0930 to 1800.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janet Andres, can be reached at (571) 272-0867. The fax phone number

for this Group is currently (571) 273-8300.

Stephen Gucker

June 28, 2005

JANET ANDRES
PRIMARY EXAMINER

Index of Claims

‖‖‖‖‖‖‖‖‖‖‖‖‖‖‖‖‖‖

Application/Control No.	Applicant(s)/Patent under Reexamination
09/997,868	GORMAN ET AL.
Examiner	**Art Unit**
Stephen Gucker	~~1047~~ 1649

√	Rejected	–	(Through numeral) Cancelled
=	Allowed	÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Final	Original	Date 6/28/05									Final	Original	Date									Final	Original	Date								
	1											51											101									
	2											52											102									
	3											53											103									
	4											54											104									
	5											55											105									
	6											56											106									
	7											57											107									
	8											58											108									
	9											59											109									
	10											60											110									
	11											61											111									
	12											62											112									
	13											63											113									
	14											64											114									
	15											65											115									
	16											66											116									
	17											67											117									
	18											68											118									
	19											69											119									
	20											70											120									
	21											71											121									
	22											72											122									
	23											73											123									
	24											74											124									
	25											75											125									
	26											76											126									
	27											77											127									
	28											78											128									
	29											79											129									
	30											80											130									
	31											81											131									
	32 ÷											82											132									
	33											83											133									
	34											84											134									
	35											85											135									
	36											86											136									
	37 √											87											137									
	38											88											138									
	39											89											139									
	40											90											140									
	41											91											141									
	42											92											142									
	43											93											143									
	44											94											144									
	45											95											145									
	46											96											146									
	47											97											147									
	48											98											148									
	49											99											149									
	50											100											150									

S82	1	"6735619".pn. and secur$5	US-PGPUB; USPAT	OR	ON	2004/11/02 12:28
S83	1	"20020068559".pn. and secur$5	US-PGPUB; USPAT	OR	ON	2004/11/02 13:02
S84	1	"20020068559".pn. and code	US-PGPUB; USPAT	OR	ON	2004/11/02 13:02
S85	0	"20020068559".pn. and software	US-PGPUB; USPAT	OR	ON	2004/11/02 13:03
S86	0	"20020068559".pn. and program	US-PGPUB; USPAT	OR	ON	2004/11/02 13:09
S87	869	dial with network with phone	US-PGPUB; USPAT	OR	ON	2004/11/02 13:09
S88	246	dial-up with network with phone	US-PGPUB; USPAT	OR	ON	2004/11/02 13:09
S89	31	dial-up with network with phone with server	US-PGPUB; USPAT	OR	ON	2004/11/03 10:43
S90	12	"6308213".URPN.	USPAT	OR	ON	2004/11/03 12:22
S91	22	("4644532" | "4669113" | "5014265" | "5159592" | "5265245" | "5274634" | "5347511" | "5371852" | "5416842" | "5437013" | "5602918" | "5604803" | "5623605" | "5631897" | "5642515" | "5689566" | "5715399" | "5717690" | "5740371" | "5745708" | "5802290" | "5918019").PN.	USPAT	OR	ON	2004/11/03 12:23
S122	5241	(prevent$3 with access$3 with memory)	US-PGPUB; USPAT	OR	ON	2004/11/12 06:06
S123	1709	(prevent$3 near3 access$3 near3 memory)	US-PGPUB; USPAT	OR	ON	2004/11/12 06:05
S124	1015	(prevent$3 near2 access$3 near2 memory)	US-PGPUB; USPAT	OR	ON	2004/11/12 06:05
S125	49	(prevent$3 near2 access$3 near2 memory) and "709"/$.ccls.	US-PGPUB; USPAT	OR	ON	2004/11/12 06:06
S126	24	(prevent$3 with access$3 with memory with cluster)	US-PGPUB; USPAT	OR	ON	2004/11/12 06:06
S127	0	("2003/0037268").URPN.	USPAT	OR	ON	2004/11/12 06:14
S128	555	(active with memory with shar$3)	USPAT	OR	ON	2004/11/12 06:15
S129	10	(active with memory with shar$3 with power)	USPAT	OR	ON	2004/11/12 06:15
S130	288	(power and cluster).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 06:18

S13 1	25	(power and cluster and memory). ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 06:56
S13 2	6	(power and cluster and cache).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 06:58
S13 3	117	(cluster and cache).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 06:58
S13 4	84	(cluster with cache).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 07:07
S13 5	1235	(access$4 near3 cache).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 07:08
S13 6	885	(access$4 near2 cache).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 07:08
S13 7	500	(access$4 near cache).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 07:08
S13 8	6	(access$4 near cache).ab. and (cluster).ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 07:09
S13 9	1777	(access$4 with cache with server)	US-PGPUB; USPAT	OR	ON	2004/11/12 07:09
S14 0	90	(access$4 with cache with server). ab.	US-PGPUB; USPAT	OR	ON	2004/11/12 08:21
S14 1	119	(prevent$3 near2 access$4 near2 cache)	US-PGPUB; USPAT	OR	ON	2004/11/12 08:25
S14 2	2	(prevent$3 near2 access$4 near2 cache near2 server)	US-PGPUB; USPAT	OR	ON	2004/11/12 08:25
S14 3	3	(prevent$3 near2 access$4 near2 cache) with server	US-PGPUB; USPAT	OR	ON	2004/11/12 08:26
S14 4	0	(prevent$3 near2 access$4 near2 cache) with cluster	US-PGPUB; USPAT	OR	ON	2004/11/12 08:26
S14 5	1	(prevent$3 near2 access$4 near2 cache) with network	US-PGPUB; USPAT	OR	ON	2004/11/12 08:28
S14 6	5	(cache with deactivated with server)	US-PGPUB; USPAT	OR	ON	2004/11/12 08:28
S15 0	6	("20020087816" | "20020154633" | "5390334" | "5732240" | "6401181" | "6523102").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 08:37
S15 1	1051	(power with memory).ti.	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 08:33
S15 2	7	(power with memory).ti. and (cluster)	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 08:34
S15 3	0	(power with cahe).ti.	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 08:38

S154	59	(power with cache).ti.	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 08:48
S155	18	(cache with group with shar$3 with server)	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 08:49
S156	3615	cache and "713"/$.ccls.	US-PGPUB; USPAT	OR	ON	2004/11/12 09:15
S157	0	cache and "713"/$.310.	US-PGPUB; USPAT	OR	ON	2004/11/12 09:15
S158	57	cache and "713"/310.ccls.	US-PGPUB; USPAT	OR	ON	2004/11/12 09:22
S159	14	cluster and "713"/310.ccls.	US-PGPUB; USPAT	OR	ON	2004/11/12 09:23
S160	29	("5692197").URPN.	USPAT	OR	ON	2004/11/12 09:26
S161	1	("6587950").URPN.	USPAT	OR	ON	2004/11/12 09:28
S162	5	("20020004912" | "5638541" | "5692197" | "6079025" | "6412068").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 09:30
S163	1	"5692197".pn. and cache	US-PGPUB; USPAT	OR	ON	2004/11/12 09:37
S164	1	("2002/0116583").URPN.	USPAT	OR	ON	2004/11/12 09:44
S165	16	(deny$3 with access$4 with cache)	USPAT	OR	ON	2004/11/12 09:45
S166	1	("6633862").URPN.	USPAT	OR	ON	2004/11/12 09:48
S167	1	("6633862").URPN.	USPAT	OR	ON	2004/11/12 09:49
S168	22	("4523206" | "4530054" | "4714992" | "4823310" | "5293627" | "5651113" | "5701480" | "5799322" | "5799323" | "5881229" | "5897634" | "5924096" | "5987506" | "6170063" | "6209090" | "6247149" | "6285997" | "6295541" | "6327574" | "6418455" | "6449291" | "6539340").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 09:58
S169	60	(cache with deny$3)	US-PGPUB; USPAT; USOCR	OR	ON	2004/11/12 09:59
S170	2	(power with up with ready with cache)	US-PGPUB; USPAT	OR	ON	2004/11/12 10:36

S17 1	58	(power with up with ready with memory)	US-PGPUB; USPAT	OR	ON	2004/11/12 10:36
S17 2	128	(permit$3 with access with memory with power)	US-PGPUB; USPAT	OR	ON	2004/11/12 11:18
S17 3	8	(permit$3 with access with memory with power with down)	US-PGPUB; USPAT	OR	ON	2004/11/12 11:20
S17 4	1	(permit$3 with access with cache with power with down)	US-PGPUB; USPAT	OR	ON	2004/11/12 11:24
S17 5	20	offline with cache with access$3	US-PGPUB; USPAT	OR	ON	2004/11/12 11:43
S17 6	1	"20020184403".pn.	US-PGPUB; USPAT	OR	ON	2004/11/12 11:47
S17 7	50	(sleep with cache with access$3)	US-PGPUB; USPAT	OR	ON	2004/11/12 11:52
S17 8	0	(broadcat$3 with cache with power)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:02
S17 9	4	(broadcast$3 with cache with power)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:04
S18 0	1127	(broadcast$3 with cache)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:05
S18 1	9346	(broadcast$3 with cachewith offline)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:05
S18 2	0	(broadcast$3 with cache with offline)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:05
S18 3	2	(broadcast$3 with cache with off-line)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:05
S18 4	129	(broadcast$3 with cache with content)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:06
S18 5	301	(broadcast$3 near2 cache)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:06
S18 6	144	(broadcast$3 near cache)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:06
S18 7	73	(broadcast$3 adj cache)	US-PGPUB; USPAT	OR	ON	2004/11/12 12:07
S18 8	0	(broadcast$3 adj cache) with sleep	US-PGPUB; USPAT	OR	ON	2004/11/12 12:08
S18 9	0	(broadcast$3 adj cache) with offline	US-PGPUB; USPAT	OR	ON	2004/11/12 12:08
S19 0	2	(broadcast$3 adj cache) with deactivat$3	US-PGPUB; USPAT	OR	ON	2004/11/12 12:08
S19 2	204	(process$3 with power with down with before)	US-PGPUB; USPAT	OR	ON	2004/11/15 10:12
S19 3	6	(process$3 with power with down with before with request$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 11:41
S19 4	1	"20020107935".pn. and broadcast$3	US-PGPUB; USPAT	OR	ON	2004/11/15 11:56

S19 5	0	(delet$3 with cache with other with server with memory)	US-PGPUB; USPAT	OR	ON	2004/11/15 11:57
S19 6	0	(delet$3 with cache with other with server)	US-PGPUB; USPAT	OR	ON	2004/11/15 11:57
S19 7	192	(delet$3 with cache with server)	US-PGPUB; USPAT	OR	ON	2004/11/15 11:57
S19 8	39	(delet$3 near cache) with server	US-PGPUB; USPAT	OR	ON	2004/11/15 12:03
S19 9	18	(prevent$3 with access$3 with cache with delet$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:07
S20 0	221	(access$3 with cache with delet$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:07
S20 1	24	(access$3 near2 cache near2 delet$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:09
S20 2	4	(prevent near2 access$3 near2 cache) same (delet$3 near3 cache)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:10
S20 3	23	(prevent with access$3 with cache) same (delet$3 with cache)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:11
S20 4	3	(nic with prevent$3 with access$3 with memory)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:38
S20 5	7	(nic with prevent$3 with access$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:39
S20 6	405	(nic with memory with access$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:39
S20 7	0	(nic with memory with access$3 with deny$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:39
S20 8	0	(nic with memory with access$3 with den$4)	US-PGPUB; USPAT	OR	ON	2004/11/15 12:39
S20 9	49	(nic near4 memory near4 access$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:16
S21 0	14	(nic near4 allow$3 with memory with access$3)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:18
S21 1	0	(network near interface near card) with prevent$3 with access$3 with memory	US-PGPUB; USPAT	OR	ON	2004/11/15 13:19
S21 2	8531	(network near interface near card)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:19
S21 3	0	S212 with prevent$3 with access$3 with memory	US-PGPUB; USPAT	OR	ON	2004/11/15 13:20
S21 4	0	S212 with prevent$3 with access$3 with cache	US-PGPUB; USPAT	OR	ON	2004/11/15 13:20
S21 5	0	S212 with deny with access$3 with cache	US-PGPUB; USPAT	OR	ON	2004/11/15 13:20
S21 6	0	S212 with deny with access$3 with memory	US-PGPUB; USPAT	OR	ON	2004/11/15 13:21

S21 7	0	(stop$34 with memory with access$3 with nic)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:21
S21 8	3	(stop$34 with memory with nic)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:22
S21 9	2	(deny$3 with memory with nic)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:22
S22 0	6	(prevent$3 with memory with nic)	US-PGPUB; USPAT	OR	ON	2004/11/15 13:23
S22 1	1	prevent$3 with memory with (network adj interface adj card)	US-PGPUB; USPAT	OR	ON	2004/11/16 06:00
S22 2	4	prevent$3 with memory with (network adj2 card)	US-PGPUB; USPAT	OR	ON	2004/11/16 06:01
S22 3	46	(memory with access$3 with server with cluster)	US-PGPUB; USPAT	OR	ON	2004/11/16 07:48
S22 4	12	nic near2 controller near2 memory	US-PGPUB; USPAT	OR	ON	2004/11/16 08:49
S22 5	18	nic with pci with compliant	US-PGPUB; USPAT	OR	ON	2004/11/16 08:50